

HOUSE GOVERNMENT AND URBAN AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 475

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

AN ACT

RELATING TO INDIAN AFFAIRS; ADDING THE SECRETARY OF TOURISM TO
THE INTERTRIBAL CEREMONIAL BOARD; MAKING AN APPROPRIATION;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-15C-1 NMSA 1978 (being Laws 2005,
Chapter 219, Section 1) is amended to read:

"9-15C-1. SHORT TITLE.--~~[This act]~~ Chapter 9, Article 15C
NMSA 1978 may be cited as the "Intertribal Ceremonial Act".

Section 2. Section 9-15C-2 NMSA 1978 (being Laws 2005,
Chapter 219, Section 2) is amended to read:

"9-15C-2. DEFINITIONS.--As used in the Intertribal
Ceremonial Act:

- A. "department" means the tourism department;
- B. "director" means the director of the intertribal

1 ceremonial office;

2 C. "fund" means the intertribal ceremonial fund;
3 [~~and~~]

4 D. "office" means the intertribal ceremonial
5 office; and

6 E. "secretary" means the secretary of tourism."

7 Section 3. Section 9-15C-3 NMSA 1978 (being Laws 2005,
8 Chapter 219, Section 3) is amended to read:

9 "9-15C-3. INTERTRIBAL CEREMONIAL OFFICE CREATED--POWERS
10 AND DUTIES.--

11 A. The "intertribal ceremonial office" is created
12 [~~and~~]. The office is administratively attached to the
13 department.

14 B. The governor shall appoint a director, who shall
15 serve at the pleasure of the governor. The director shall hire
16 and terminate other necessary employees, who shall be subject
17 to the provisions of the Personnel Act.

18 C. The director shall:

19 (1) work with the department to establish
20 steady funding for the intertribal ceremonial;

21 (2) supervise the activities of the office;

22 (3) work with the department to promote the
23 intertribal ceremonial; and

24 (4) prepare an annual budget and an annual
25 report on the activities of the office.

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1 D. The office [~~in cooperation with the department~~]
 2 shall:

3 (1) administer an annual intertribal
 4 ceremonial;

5 (2) cooperate with and assist public and
 6 private entities that seek to promote recognition of ceremonies
 7 significant to Indian tribes and pueblos;

8 (3) function as the coordinating office for
 9 all services and activities pertaining to the intertribal
 10 ceremonial;

11 (4) adopt rules in accordance with the State
 12 Rules Act to carry out the duties of the office;

13 (5) accept gifts, grants, donations, bequests
 14 and devises from any source to be used to carry out its duties;
 15 [~~and~~]

16 (6) enter into contracts; and

17 (7) charge admission, parking and concessions
 18 fees, give prizes and premiums, create sponsorships and other
 19 forms of advertising, arrange entertainments and do all things
 20 the office may consider proper for the conduct of the
 21 intertribal ceremonial and not otherwise prohibited by law.

22 E. The [~~governor shall appoint an~~] "intertribal
 23 ceremonial board" [~~and the director shall serve ex officio on~~
 24 ~~the board~~] is created. The board shall consist of [~~seven~~]
 25 eight members, including the director, who shall serve ex

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underscored material = new
 [bracketed material] = delete

1 officio, the secretary or the secretary's designated
2 representative and six members, appointed by the governor, who
3 shall serve terms of five years each; provided that the
4 governor's first appointments shall be made of two board
5 members for one-year terms, two for two-year terms, one for a
6 three-year term and one for a four-year term. All intertribal
7 ceremonial board members shall be bona fide residents of the
8 state, and at least a majority of the members shall be Native
9 American. A board member shall not be removed during the term
10 of office except for cause, following notice and an opportunity
11 for a hearing."

12 Section 4. Section 9-15C-4 NMSA 1978 (being Laws 2005,
13 Chapter 219, Section 4) is amended to read:

14 "9-15C-4. FUND CREATED--ADMINISTRATION.--The "intertribal
15 ceremonial fund" is created in the state treasury. [~~Money in~~
16 ~~the fund is appropriated to the intertribal ceremonial office.~~
17 ~~The fund shall consist of appropriations, gifts, grants,~~
18 ~~donations, bequests and devises.] Money appropriated to the
19 fund or accruing to it through sales, gifts, grants, fees,
20 penalties, bequests or any other source shall be delivered to
21 the state treasurer and deposited in the fund. Money in the
22 fund is appropriated to the office for the purpose of carrying
23 out the intertribal ceremonial. Money in the fund at the end
24 of any fiscal year shall not revert. Interest and earnings
25 from the fund shall be credited to the fund. [~~The fund shall~~~~

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1 ~~be administered by the office, and]~~ Disbursements from the fund
2 shall be made on warrant drawn by the secretary of finance and
3 administration pursuant to vouchers signed by the director or
4 the director's authorized representative."

5 Section 5. APPROPRIATION.--Two hundred ninety-five
6 thousand dollars (\$295,000) is appropriated from the general
7 fund to the intertribal ceremonial fund for expenditure in
8 fiscal year 2006 and subsequent fiscal years to pay the
9 salaries of the director of the intertribal ceremonial office
10 and the director's assistant, to pay per diem and mileage for
11 intertribal ceremonial board members and to carry out the
12 purposes of the Intertribal Ceremonial Act. Any unexpended or
13 unencumbered balance remaining at the end of a fiscal year
14 shall not revert to the general fund.

15 Section 6. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect immediately.